

REMARKS

Claims 2-3, 6-10, 19 and 21-24 are pending in the present application, claim 20 having been canceled by this Amendment. Claims 19, 22 and 24 are independent claims.

Rejection Under 35 U.S.C. §102

Claims 3, 6, 10 and 19 stand rejected under 35 U.S.C. 102 (b) as allegedly being anticipated by Sengupta. Applicant respectfully traverses this art grounds of rejection.

Initially, features from canceled dependent claim 20 have been added to amended claim 19. Applicants submit that Sengupta fails to teach or suggest a method of forming an acoustic device comprising, at least: “forming a piezoelectric film on the patterned electrode and planarized non-conducting layer”, as recited in claim 19. The Examiner has already indicated that Sengupta does not teach “that a piezoelectric material is deposited over the planarized surface” (page 4 of the Office Action).

Thus, Sengupta cannot disclose or suggest “forming a piezoelectric film on the patterned electrode and planarized non-conducting layer” as recited in independent claim 19. Claims 3, 6 and 10, dependent upon independent claim 19, are likewise allowable over Sengupta at least for the reasons given above with respect to independent claim 19. Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Rejections Under 35 U.S.C. §103

Sengupta/Fitch

Claims 4, 7 and 9 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sengupta in view of Fitch. Applicant respectfully traverses this art grounds of rejection.

The Examiner alleges that Fitch teaches a method of forming a semiconductor device comprising a substrate that may be of silicon, and allegedly describes that silicon dioxide is interchangeable with a low k dielectric and polymer planarization is interchangeable with CMP. Even if Fitch allegedly teaches these features, the disclosure of Fitch is insufficient to overcome the deficiencies noted in Sengupta with respect to independent claim 19. As such, claims 4, 7 and 9, dependent upon independent claim 19, are allowable over Sengupta and/or Fitch at least for the reasons given above with respect to independent claim 19. Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Sengupta/Ting

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Sengupta in view of Ting. Applicant respectfully traverses this art grounds of rejection.

The Examiner alleges that Ting teaches that a dielectric may be planarized by reflow and/or lift-off process. Even if Ting were to teach the features recited in claim 8, Ting is insufficient in overcoming the deficiency of Sengupta with respect to independent claim 19, as discussed above. Accordingly, claim 8, dependent upon independent claim 19, is allowable over Sengupta in view of Ting at least for the reasons given above with respect to independent claim 19. Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Sengupta/Kawakubo

Claims 20-24 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sengupta in view of Kawakubo. Applicant respectfully traverses this art grounds of rejection.

Initially, claim 20 is canceled, the rejection as to this claim is now moot. The Examiner alleges that Kawakubo teaches the formation of a support layer made of a piezoelectric material (item 54) over a planar surface comprising a dielectric (item 50) and a titanium electrode (item 53). However, Kawakubo consistently refers to item 54 as an “epitaxial dielectric film” (See col. 15, line 62). Item 54 of Kawakubo is thus a dielectric material, not a piezoelectric material.

Therefore, the combination of Sengupta in view of Kawakubo cannot disclose or suggest “forming a piezoelectric layer on the level surface of the continuous layer” as recited in independent claim 22, or on the level surface of the patterned electrode” as somewhat similarly recited in independent claim 24.

Claim 23, dependent upon independent claim 22 is likewise allowable over Sengupta in view of Kawakubo at least for the reasons given above at least for the reasons given above with respect to independent claim 22. Further, claim 21, dependent upon independent claim 19, are likewise allowable over Sengupta in view of Kawakubo at least for the reasons given above with respect to independent claim 19. Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Sengupta/Kawakubo/Stokes

Claim 2 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sengupta and Kawakubo, and further in view of Stokes. Applicant respectfully traverses this art grounds of rejection.

The Examiner alleges that Stokes teaches a structure comprising AlN piezoelectric. Even if Stokes allegedly teaches this feature, Stokes is insufficient in overcoming the deficiency in Sengupta and Kawakubo with respect to independent claim 19, as discussed above. As such, claim 2 is

allowable over Sengupta and Kawakubo in view of Stokes at least for the reasons given above with respect to independent claim 19. Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

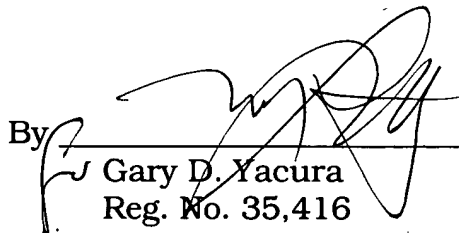
CONCLUSION

In the event that any matters remain at issue in the application, the Examiner is invited to contact the undersigned at (703) 668-8000 in the Northern Virginia area, for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By  45,274
Gary D. Yacura
Reg. No. 35,416

P.O. Box 8910
Reston, VA 20195
(703) 668-8000

GDY/MJL/DAP:ybm